

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9471 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

BABUBHAI M PRAJAPATI

Versus

DY COLLECTOR AND COMPETENT AUTHORITY URBAN LAND CEILING

Appearance:

MR D.M.Shah for Petitioner

Ms Manisha Lavkumar, AGP, for Respondent No.1 & 4

MR AJ Patel for Respondents Nos. 2, 3 & 5

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 11/08/1999

ORAL JUDGEMENT

Heard Mr D.M.Shah for the petitioner, Ms Manisha Lavkumar for respondents nos.1 and 4 and Mr A.J.Patel for respondents nos.2, 3 and 5. In this petition under Article 226 of the Constitution of India the petitioner has challenged the order dated 21.7.1992 passed by the competent authority under the Urban Land (Ceiling &

Regulation) Act, 1976, approving the demarcation plan in respect of the land bearing Final Plot No.267/3 (Annexure-F) in the course of the proceedings under the ULC Act pursuant to the order dated 13.12.1984 of the Urban Land Tribunal. While issuing the notice on the petition on 16.7.1993 ad interim relief was granted staying the operation of the said impugned order and restraining the respondents from taking any further action pursuant to the said order dated 21.7.1992. While admitting the petition the ad interim relief was continued.

2 At the hearing of this petition today it is stated that the respondents-authorities have not taken over the possession of the land in question till the grant of the ad interim injunction granted by this Court and thereafter in view of the ad interim and interim injunction of this Court. The learned AGP states that in view of the written instructions contained in letter dated 21.6.1999 (Sl.No.18 Unit No.2) received by the Government Pleader's office from Mr B.G.Jhalavadia, competent authority and the Additional Collector, ULC, Ahmedabad.

3 It appears from the statement from D.M.Shah, learned counsel for the petitioner, and Mr A.J.Patel, learned counsel for the respondents nos.2, 3 and 5, Dev Apartments Owners Association is in possession of the land in question. It also appears that on account of the proceedings under the ULC Act the title to the land in question was not transferred to the aforesaid association. Whatever disputes are there amongst the parties, it will be open to the concerned parties to sort out the same or to get the same resolved before the appropriate forum. This Court has not at all gone into the aspect other than the question whether the petition is covered by the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 or not.

4 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5 The petition is accordingly disposed of as having
abated. There shall be no order as to costs.

(M S SHAH, J.)

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